

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 2139 OF 2005

IN

ADMS NO. 2 OF 2005

CURZON MARITIME LTD. .. Plaintiff.

VS.

PEC LTD. .. Defendants.

Mr. P.S. Pratap with Ms. Monica Kohli
for plaintiff.

CORAM : S.U.KAMDAR, J.

DATE : 5th August, 2005.

P.C.

. The present notice of motion has ben filed for stay of the suit bearing No. 2 of 2005 till the hearing and final disposal of the appeal of the defendant being Appeal Lodging No. 554 of 2005 inter alia challenging the order of this Curt dated 14.3.2005 passed in Arbitration Petition No. 239 of 2003. In my opinion, there is no provision under the Arbitration and Conciliation Act, 1996 for the purpose of granting stay of any such suit. The

learned counsel appearing for the plaintiff inter alia contends that the present notice of motion is filed under section 151 of the Civil Procedure Code. Once there is no provision under the Arbitration and Conciliation Act, 1996, which has been held to be a code by itself, the provisions of Section 151 of the CPC cannot be resorted to. In view thereof, the motion cannot be entertained. The motion is dismissed accordingly.